



March 20, 2009

**ENGROSSED  
HOUSE BILL No. 1561**

DIGEST OF HB 1561 (Updated March 19, 2009 10:42 am - DI 103)

**Citations Affected:** IC 5-28; IC 8-1.

**Synopsis:** High speed Internet service initiative. Requires the economic development corporation to: (1) develop a high speed Internet service deployment and adoption initiative; and (2) create a statewide geographic information system of telecommunications and information technology services.

**Effective:** Upon passage.

**Van Haaften, Goodin, Murphy,  
Borror**

(SENATE SPONSORS — HERSHMAN, MERRITT, BRODEN, DEIG, HUME,  
YOUNG R)

January 22, 2009, read first time and referred to Committee on Rules and Legislative Procedures.

February 12, 2009, reassigned to Committee on Commerce, Energy, Technology, and Utilities.

February 17, 2009, amended, reported — Do Pass.

February 23, 2009, read second time, amended, ordered engrossed.

February 24, 2009, engrossed.

February 25, 2009, read third time, passed. Yeas 99, nays 0.

**SENATE ACTION**

March 3, 2009, read first time and referred to Committee on Utilities and Technology.

March 19, 2009, amended, reported favorably — Do Pass.

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March 20, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1561

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A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 5-28-33 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON  
3 PASSAGE]:  
4 **Chapter 33. High Speed Internet Service Deployment and**  
5 **Adoption Initiative**  
6 **Sec. 1. As used in this chapter, "GIS" refers to the statewide**  
7 **geographic information system created under section 3 of this**  
8 **chapter.**  
9 **Sec. 2. As used in this chapter, "high speed Internet service"**  
10 **means a connection to the Internet that provides capacity for**  
11 **transmission at an average speed of at least three hundred**  
12 **eighty-four (384) kilobits per second downstream, regardless of the**  
13 **technology or medium used to provide the connection.**  
14 **Sec. 3. (a) The corporation shall develop a high speed Internet**  
15 **service deployment and adoption initiative that includes the**  
16 **creation of a statewide geographic information system (GIS) of**  
17 **available telecommunications and information technology services,**

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including high speed Internet service.

(b) The corporation shall map the availability of broadband service by census blocks established by the Bureau of the Census and depicted in the GIS. A map created under this subsection may:

(1) include the percentage of households that have access to broadband service; and

(2) use the Federal Communications Commission benchmark rates for broadband service to identify different speed tiers.

(c) After creating the map under subsection (b), the corporation shall update the GIS at least every six (6) months. This subsection expires December 31, 2010.

(d) The corporation shall share the map created under subsection (b) and the GIS, including updates, with the Indiana Geographic Information Council (as referred to in IC 4-23-7.3-6) as a data layer to the statewide base map (as defined in IC 4-23-7.3-11).

Sec. 4. (a) A person or entity that provides data or other information to the corporation for inclusion in the GIS may designate the data or information as confidential for any purpose, including for purposes of IC 5-14-3-4.

(b) The corporation shall, upon request, enter into a nondisclosure agreement with a person or entity described in subsection (a) concerning proprietary information submitted to the corporation by the person or entity.

Sec. 5. The corporation may enter into a contract to develop all or part of the initiative described in section 3 of this chapter.

Sec. 6. The corporation may apply for state broadband data and development grants under the federal Broadband Data Improvement Act and the American Recovery and Reinvestment Act of 2009.

Sec. 7. This chapter may not be construed as authorizing the corporation to regulate communications service providers (as defined in IC 8-1-32.5-4).

Sec. 8. In implementing this chapter, the corporation shall consult with the Indiana finance authority to avoid unnecessary duplication of efforts under this chapter and IC 8-1-33.

Sec. 9. The corporation shall establish the following priorities in developing and implementing the high speed Internet service deployment and adoption initiative:

(1) First, extending the deployment of high speed Internet service to areas where:

(A) Internet connections are unavailable; or

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- 1           **(B) the only available Internet connections provide**
- 2           **capacity for transmission at an average speed of less than**
- 3           **two hundred (200) kilobits per second downstream.**
- 4           **(2) Second, extending the deployment of high speed Internet**
- 5           **service to areas where the only available Internet connections**
- 6           **provide capacity for transmission at an average speed of:**
- 7           **(A) not less than two hundred (200) kilobits; and**
- 8           **(B) not more than one and five-tenths (1.5) megabits;**
- 9           **per second downstream.**
- 10          **(3) Third, supporting programs to promote broadband**
- 11          **adoption throughout Indiana.**

12          **Sec. 10. The corporation is designated as the single eligible**  
 13          **entity to receive a grant under 47 U.S.C. 1304.**

14          SECTION 2. IC 8-1-33-8, AS ADDED BY P.L.235-2005,  
 15          SECTION 105, IS AMENDED TO READ AS FOLLOWS  
 16          [EFFECTIVE UPON PASSAGE]: Sec. 8. As used in this chapter,  
 17          "broadband services" includes services, including voice, video, and  
 18          data, that provide capacity for transmission of more than ~~two three~~  
 19          hundred ~~(200)~~ **eighty-four (384)** kilobits per second in at least one (1)  
 20          direction regardless of the technology or medium used, including  
 21          wireless, copper wire, fiber optic cable, or coaxial cable. If voice  
 22          transmission capacity is offered in conjunction with other services  
 23          using transmission of more than ~~two three~~ hundred ~~(200)~~ **eighty-four**  
 24          **(384)** kilobits per second, the voice transmission capacity may be less  
 25          than ~~two three~~ hundred ~~(200)~~ **eighty-four (384)** kilobits per second.  
 26          The authority shall annually reconsider the ~~two three~~ hundred ~~(200)~~  
 27          **eighty-four (384)** kilobits threshold under this section with a bias  
 28          toward raising the threshold in a manner consistent with technological  
 29          advances.

30          SECTION 3. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Energy, Technology and Utilities, to which was referred House Bill 1561, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 8, delete "inadequate or".

Page 2, line 13, after "confidential" insert "**for any purpose, including**".

Page 2, line 14, delete ", subject to the approval of the corporation." and insert ".".

Page 2, line 15, delete "may" and insert "**shall, upon request,**".

Page 2, line 19, delete "may" and insert "**shall enter into a**".

Page 2, line 19, delete "with a nonprofit".

Page 2, line 20, delete "organization".

Page 2, line 24, delete "." and insert "**or as supporting the deployment of high speed Internet service in areas where high speed Internet service is already available.**".

Page 2, delete lines 28 through 42.

Delete page 3.

and when so amended that said bill do pass.

(Reference is to HB 1561 as introduced.)

MOSES, Chair

Committee Vote: yeas 8, nays 3.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1561 be amended to read as follows:

Page 1, line 11, delete "two hundred (200)" and insert "**seven hundred sixty-eight (768)**".

Page 2, delete lines 2 through 8, begin a new paragraph and insert:

**"(b) The corporation shall map the availability of broadband service by census blocks established by the Bureau of the Census and depicted in the GIS. A map created under this subsection may:**

**(1) include the percentage of households that have access to broadband service; and**

**(2) use the Federal Communications Commission benchmark rates for broadband service to identify different speed tiers."**

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Page 2, between line 10 and 11, begin a new paragraph and insert:  
**"(d) The corporation shall share the map created under subsection (b) and the GIS, including updates, with the Indiana Geographic Information Council (as referred to in IC 4-23-7.3-6) as a data layer to the statewide base map (as defined in IC 4-23-7.3-11)."**

Page 2, line 19, delete "shall" and insert "may".

Page 2, between lines 20 and 21, begin a new paragraph and insert:  
**"Sec. 6. The corporation may apply for state broadband data and development grants under the federal Broadband Data Improvement Act and the American Recovery and Reinvestment Act of 2009."**

Page 2, line 21, delete "6." and insert "7."

Page 2, line 23, delete "IC 8-1-32. 5-4) or as supporting the deployment of high" and insert **"IC 8-1-32.5-4)."**

Page 2, delete lines 24 through 25.

Page 2, line 26, delete "7." and insert "8."

Page 2, after line 28, begin a new paragraph and insert:

**"Sec. 9. The corporation shall establish the following priorities in developing and implementing the high speed Internet service deployment and adoption initiative:**

**(1) First, extending the deployment of high speed Internet service to areas where Internet connections provide capacity for transmission at an average speed of less than two hundred (200) kilobits per second downstream.**

**(2) Second, extending the deployment of high speed Internet service to areas where Internet connections provide capacity for transmission at an average speed of:**

**(A) not less than two hundred (200) kilobits; and**

**(B) not more than one and five-tenths (1.5) megabits; per second downstream."**

(Reference is to HB 1561 as printed February 18, 2009.)

VAN HAAFTEN

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1561 be amended to read as follows:

Page 2, delete lines 2 through 8, begin a new paragraph and insert:  
**"(b) The corporation shall map the availability of broadband**

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service by census blocks established by the Bureau of the Census and depicted in the GIS. A map created under this subsection shall:

- (1) include the percentage of households that have access to broadband service; and
- (2) use the Federal Communications Commission benchmark rates for broadband service to identify different speed tiers."

(Reference is to HB 1561 as printed February 18, 2009.)

PIERCE

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1561 be amended to read as follows:

Page 2, after line 28, begin a new paragraph and insert:

**"Sec. 8. The corporation is designated as the single eligible entity to receive a grant under 47 U.S.C. 1304."**

(Reference is to HB 1561 as printed February 18, 2009.)

PIERCE

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1561 be amended to read as follows:

Page 2, after line 28, begin a new paragraph and insert:

"SECTION 2. IC 8-1-33-8, AS ADDED BY P.L.235-2005, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. As used in this chapter, "broadband services" includes services, including voice, video, and data, that provide capacity for transmission of more than ~~two~~ **seven hundred (200) sixty-eight (768)** kilobits per second in at least one (1) direction regardless of the technology or medium used, including wireless, copper wire, fiber optic cable, or coaxial cable. If voice transmission capacity is offered in conjunction with other services using transmission of more than ~~two~~ **seven hundred (200) sixty-eight (768)** kilobits per second, the voice transmission capacity may be less than ~~two~~ **seven hundred (200) sixty-eight (768)** kilobits per second. The authority shall annually reconsider the ~~two~~ **seven hundred (200)**

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**sixty-eight (768)** kilobits threshold under this section with a bias toward raising the threshold in a manner consistent with technological advances."

(Reference is to HB 1561 as printed February 18, 2009.)

PIERCE

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COMMITTEE REPORT

Madam President: The Senate Committee on Utilities and Technology, to which was referred House Bill No. 1561, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 2, delete "JULY" and insert "UPON PASSAGE]:".

Page 1, delete line 3.

Page 1, line 11, delete "seven" and insert "**three**".

Page 1, line 12, delete "sixty-eight (768)" and insert "**eighty-four (384)**".

Page 2, line 4, delete "shall:" and insert "**may:**".

Page 2, line 9, delete "The" and insert "**After creating the map under subsection (b), the**".

Page 2, line 10, after "months." insert "**This subsection expires December 31, 2010.**".

Page 2, line 40, after "where" insert ":

**(A)**".

Page 2, line 40, after "connections" insert "**are unavailable; or (B) the only available Internet connections**".

Page 3, line 2, after "where" insert "**the only available**".

Page 3, between lines 6 and 7, begin a new line block indented and insert:

**"(3) Third, supporting programs to promote broadband adoption throughout Indiana."**

Page 3, delete lines 9 through 24, begin a new paragraph and insert:

"SECTION 2. IC 8-1-33-8, AS ADDED BY P.L.235-2005, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. As used in this chapter, "broadband services" includes services, including voice, video, and data, that provide capacity for transmission of more than ~~two~~ **three** hundred (~~200~~) **eighty-four (384)** kilobits per second in at least one (1)

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direction regardless of the technology or medium used, including wireless, copper wire, fiber optic cable, or coaxial cable. If voice transmission capacity is offered in conjunction with other services using transmission of more than ~~two three~~ hundred ~~(200)~~ **eighty-four (384)** kilobits per second, the voice transmission capacity may be less than ~~two three~~ hundred ~~(200)~~ **eighty-four (384)** kilobits per second. The authority shall annually reconsider the ~~two three~~ hundred ~~(200)~~ **eighty-four (384)** kilobits threshold under this section with a bias toward raising the threshold in a manner consistent with technological advances.

SECTION 3. **An emergency is declared for this act."**

and when so amended that said bill do pass.

(Reference is to HB 1561 as reprinted February 24, 2009.)

MERRITT, Chairperson

Committee Vote: Yeas 10, Nays 0.

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